

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEE J. STOKES,

Plaintiff,

v.

JACOB DORN,

Defendant.

OPINION and ORDER

20-cv-260-wmc¹

Plaintiff Lee J. Stokes brought this case under 42 U.S.C. § 1983. I allowed Stokes to proceed on his amended complaint, asserting an Eighth Amendment claim for inadequate medical care against defendant Dorn, a correctional officer at Waupun Correctional Institution. Dkt. 15.

Dorn moved to dismiss the case for improper venue or, alternatively, transfer it to the Eastern District of Wisconsin, where venue is proper. Dkt. 22. Dorn conceded that venue is proper in the Eastern District of Wisconsin. Dkt. 24. I agree that venue is proper only in the Eastern District of Wisconsin.

When venue is improper, courts may dismiss or, “if it be in the interest of justice,” transfer the case to the proper venue. 28 U.S.C. § 1406(a). Because the case is old, dismissing it could potentially cause the statute of limitations to bar Stokes’s claim. *See Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 466 (1962). So, in the interest of justice, I will transfer this case to the Eastern District of Wisconsin.

¹ I am exercising jurisdiction over this case for screening purposes only.

ORDER

IT IS ORDERED that:

1. This case is TRANSFERRED to the Eastern District of Wisconsin.
2. The clerk of court is directed to send plaintiff a copy of this order.

Entered December 21, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge